

SENATE BILL 2126
By McNally

AN ACT to amend Chapter 57 of the Private Acts of 1959; and any other acts amendatory thereto, to create a family court in Loudon County; and to provide for a judge to serve such court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Effective August 1, 2006, there is hereby created and established a Family Court in and for Loudon County, Tennessee, which shall be designated the "Family Court of Loudon County, Tennessee".

SECTION 2. The Judge for the Family Court of Loudon County, Tennessee, shall be required to possess all the qualifications and shall be paid the same compensation as prescribed by general law for general sessions judges and shall take the oath prescribed for such judges. The Family Court Judge shall be elected by the qualified voters of Loudon County at the regular August election in 2006. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Loudon County shall elect a person to serve as Family Court Judge for a term of eight (8) years.

SECTION 3. The Family Court of Loudon County, Tennessee and the judge thereof, shall have original jurisdiction over all probate, domestic and juvenile matters. The Judge of Family Court is hereby vested with and shall have concurrent jurisdiction with the Judge of the Court of General Sessions over all civil and criminal jurisdiction prescribed by general law for judges of general sessions and as set forth in Chapter 57 of the Private Acts of 1959, Chapter 284 of the Private Acts of 1963 and Chapter 86 of the Private Acts of 1981. The Judge of Family Court and the Judge of the Court of General Sessions are authorized to interchange with each other where necessary for the efficient dispatch of cases and judicial business.

SECTION 4. If a vacancy occurs for any reason in the office of the Judge of Family Court of Loudon County, Tennessee, the vacancy shall be filled by the Loudon County Board of Commissioners as provided by law; and the person so appointed by the Board shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 5. The Loudon County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the Judges of the Court of General Sessions and Family Court, the clerks and such other personnel as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Loudon County, upon creation of the Family Court, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Loudon County, Tennessee, the necessary furnishings and supplies and equipment for the proper operation and maintenance of the Court, and pay for such expenses out of the County general funds. The regular place for holding such Court shall be in any courtroom provided in Loudon County, Tennessee, but at the discretion of the Family Court Judge, court may be held in any other place or places within Loudon County and at such time and places as the judge may designate.

SECTION 6. The Judge of the existing General Sessions Court of Loudon County, Tennessee, shall, upon passage of this act, assume the position of Senior Judge of the inferior courts of Loudon County. Thereafter, the position of Senior Judge shall be determined by the length of tenure of a judge of the General Sessions Court or the Family Court of Loudon County, Tennessee. In the event that new judges are elected to the seats of both the Court of General Sessions and Family Court of Loudon County, Tennessee in the same year, then the judge who received the most votes in the election shall be the Senior Judge. The Senior Judge shall be authorized and empowered to set the Courts' dockets, assign cases associated with the General Sessions Court and Family Court of Loudon County, Tennessee, and shall be in charge of the general administration of the General Sessions Court and Family Court of Loudon

County, Tennessee. This section shall not be construed as infringing upon the clerk's authorized duties. The Loudon County Juvenile Department shall be a separate department and shall be administered and supervised pursuant to, the policy and procedures manual established by the Loudon County Board of Commissioners. This shall not be construed as infringing upon the Judges authorized duties.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Loudon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Loudon County and certified to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For purposes of qualifying for, and seeking election to, the office of Judge of the Family Court of Loudon County, Tennessee, it shall take effect on January 1, 2006. For all other purposes, it shall become effective on August 1, 2006.